



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,707	12/15/2000	James F. Howell	001248.02	7802

7590 07/06/2006

James E. Bradley  
Bracewell & Patterson, L.L.P.  
P.O.Box 61389  
Houston,, TX 77208-1389

EXAMINER
----------

BASHORE, ALAIN L

ART UNIT	PAPER NUMBER
----------	--------------

1762

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/736,707

**Applicant(s)**

HOWELL ET AL.

**Examiner**

Alain L. Bashore

**Art Unit**

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-4, 6-13, 15-16 is/are rejected.
- 7) ☒ Claim(s) 2,5 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Restart of previous office action***

This office action restarts the period for response. Arguments made of record have been re-considered and allowable subject matter indicated.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-4, 6-8, 10-11, 13, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brattain et al in view of Nazem et al in further view of Lukose.

Brattain et al discloses a method and system for disseminating real time information. Information as stock quotes is available from a provider of the information by a quote server (para 0046). A database is associated with the quote server (31).

Brattain et al does not explicitly disclose:

receiving the information from a provider of the information by a quote server;

and,

Art Unit: 1762

determining if the information is being requested by a user and then sending the requested information to a contact server which distributes the information.

Nazem et al discloses receiving the information from a provider of the information by a server (fig 2).

It would have been obvious to one with ordinary skill in the art to include receiving the information from a provider of the information by a quote server because Nazem et al discloses the need for information manipulations of a server (col 4, lines 15-23).

Lukose discloses determining if the information is being requested by a user and then sending the requested information to a contact server (fig 1) which distributes the information (para 0026, 0048, 0049).

It would have been obvious to one with ordinary skill in the art to include determining if the information is being requested by a user and then sending the requested information to a contact server which distributes the information to Brattain et al because Lukose teaches information distribution efficiency (para 0003, 0004).

Information distribution efficiency is broadly taught by both references, which would lead one with ordinary skill in the art to look to Lukose to solve this problem.

Because both references are concerned with information distribution efficiency, they are considered analogous art.

3. Claims 9, 12, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brattain et al in view of Nazem in view of Lukose as applied to claims above, and further in view of Meyer et al.

Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brattain et al in view of Nazem in view of Lukose further in view of Meyer et al.

Brattain et al in view of Lukose does not disclose tracking the history of each particular stock using the database.

Meyer et al disclose tracking the history of each particular stock using the database (para 0038).

It would have been obvious to one with ordinary skill in the art to include tracking the history of each particular stock using the database to Brattain et al in view of Lukose because Meyer et al teaches such for educational purposes (para 0038).

***Allowable Subject Matter***

4. Claims 2, 5, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Allowable subject matter may require further review for applications in class 705 before a notice of allowance is mailed to applicant. The time period for review may vary from application to application.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 571-272-6739. The examiner can normally be reached on about 7:30 am to 5:00 pm (Mon. thru Thurs.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Regarding all Class 705 applications, the management contact regarding examination is: Vincent Millin (SPE, art unit 3624) at 571-272-6747.

Art Unit: 1762

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alain L. Bashore  
Primary Examiner  
Art Unit 1762